THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

Writ Petition No.1029 of 2007

Date:19.01.2007

Between

Fishermen Cooperative Society.

----------Petitioner

And

The District Collector and others.

----------Respondents

ORDER:

Petitioner is a Fishermen Cooperative Society of Penugolanu Village, Gampalagudem Mandal, Krishna District. There are two tanks in that Village. One is Ura Cheruvu and the other is Lingamaneni Cheruvu. According to the petitioner, it was being granted fishery rights in respect of the two tanks from time to time, as per the procedure in vogue. Its grievance is that with effect from the year 2006-07, it is being granted fishery rights only in respect of Ura Cheruvu and not the other tank. The basis is said to be a communication issued by the Assistant Engineer, Special Section, Irrigation Department, Ganpalagudem, to the Secretary, Gram Panchayat, Penugolanu Village, to the effect that Lingamaneni Cheruvu is under the purview of the Irrigation Department and that the fishery rights therein cannot be granted in favour of the petitioner or the

washermen cooperative society. The petitioner seeks appropriate directions, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries.

The Government had issued orders from time to time, prescribing the procedure to be followed, in the matter of granting fishery rights in tanks of different sizes and extents. In respect of the tanks that are vested in the Gram Panchayats, the concerned Panchayat is vested with the power, to grant fishery rights, subject to fixation of upset price etc., by the District Collector. A different procedure exists as regards the tanks that are vested in the Irrigation Department.

Learned counsel for the petitioner submits that even where the tank is vested in the Irrigation Department, Fisheries Department has control over the same and the District Collector is competent to prescribe the upset price etc.

The circumstances, under which the petitioner was not granted fishery rights in respect of Lingamaneni Cheruvu, are not before this Court. The record does not disclose that the petitioner had approached either the Fisheries Department or the District collector, in this

regard. It is only when the petitioner approaches the authorities concerned, that the necessary reaction can be expected.

Therefore, the Writ Petition is disposed of, leaving it open to the petitioner to approach the authority concerned in the Fisheries Department, and the District Collector, Krishna, pointing out its grievances. As and when such representation is made, they shall pass appropriate orders, within four (4) weeks from the date of receipt of the same. There shall be no order as to costs.

19.01.2007

Note: Issue C.C. in two days.

(B/o)

JSU

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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